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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/612,970	07/07/2003	David W. Holmes	12177/69001	4732
23838	7590	11/16/2005	EXAMINER	
KENYON & KENYON 1500 K STREET NW SUITE 700 WASHINGTON, DC 20005			PHUONG, DAI	
			ART UNIT	PAPER NUMBER
			2688	

DATE MAILED: 11/16/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/612,970	HOLMES, DAVID W.	
	Examiner	Art Unit	
	Dai A. Phuong	2685	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09/06/2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-63 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-63 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 07 July 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to claims have been considered but are moot in view of the new ground(s) of rejection. However, Applicant is advised to clearly define the phrase “*network-based communication service*” and how to *transmit* a dialing signal from the remote control device toward the mobile communication device based on the dialing request.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-2, 8-14, 16-19, 21-24, 28-31, 33, 36-38, 42-46 and 50-57 are rejected under 35 U.S.C. 102(b) as being anticipated by Lunsford et al. (Pub. No: 2002/0065041).

Regarding claim 1, Lunsford et al. disclose a method of remotely generating signals to access a network-based communication service from a mobile communication device, comprising: generating a dialing request at a remote control device based on user input ([0026], [0057] to [0059] and [0064] to [0067]); and transmitting a dialing signal from the remote control device toward the mobile communication device based on the dialing request, the dialing signal instructing the mobile communication device to access the network-based communication service ([0057] to [0059] and [0064] to [0067]). It is inherent that the PID 12 instructs the telephone 14 *accesses to the network* in order to make a connection between the telephone 14 with the predetermined telephone number that the user of PID 12 has been selected).

Regarding claims 2, 24, 37, 45, 53, 55 and 57, Lunsford et al. disclose all the limitations in claims 1, 23, 36, 44, 52, 54 and 56 respectively. Further, Lunsford et al. disclose the method wherein the dialing request is initiated by a user manipulation of an access button that is dedicated to network-based communication services ([0057] to [0059] and [0064] to [0067]).

Regarding claims 8 and 42, Lunsford et al. disclose all the limitations in claims 1 and 36 respectively. Further, Lunsford et al. disclose the method wherein the dialing signal includes a telephone number associated with the network-based communication service, the method further including retrieving the telephone number from a memory of the remote control device ([0026], [0057] to [0059] and [0064] to [0067]).

Regarding claim 9, Lunsford et al. disclose all the limitations in claim 8. Further, Lunsford et al. disclose the method further including storing the telephone number to the memory before generating the dialing request ([0026], [0057] to [0059] and [0064] to [0067]).

Regarding claim 10, Lunsford et al. disclose all the limitations in claim 9. Further, Lunsford et al. disclose the method further including storing the telephone number to the memory based on input from a user of the mobile communication device ([0026], [0057] to [0059] and [0064] to [0067]).

Regarding claim 11, Lunsford et al. disclose all the limitations in claim 9. Further, Lunsford et al. disclose the method further including storing the telephone number to the memory based on input from a provider of the network-based communication service ([0060] to [0061]).

Regarding claim 12, Lunsford et al. disclose all the limitations in claim 9. Further, Lunsford et al. disclose the method wherein storage of the telephone number to the memory is initiated by the provider of the network-based communication service ([0060] to [0061]).

Regarding claim 13, Lunsford et al. disclose all the limitations in claim 9. Further, Lunsford et al. disclose the method wherein storage of the telephone number to the memory is initiated by a user of the remote control device ([0060] to [0061]).

Regarding claim 14, Lunsford et al. disclose all the limitations in claim 9. Further, Lunsford et al. disclose the method further including storing the telephone number to the memory based on input from a manufacturer of the remote control device ([0060] to [0061]).

Regarding claims 16 and 28, Lunsford et al. disclose all the limitations in claims 1 and 23 respectively. Further, Lunsford et al. disclose the method wherein the transmitting of the dialing signal occurs over a wireless connection with the mobile communication device ([0029] to [0036] and [0045] to [0052]).

Regarding claims 17 and 29, Lunsford et al. disclose all the limitations in claims 16 and 28 respectively. Further, Lunsford et al. disclose the method wherein the wireless connection is a radio frequency (RF) connection ([0029] to [0036] and [0045] to [0052]).

Regarding claims 18, 30 and 43, Lunsford et al. disclose all the limitations in claims 17, 29 and 36 respectively. Further, Lunsford et al. disclose the method wherein the transmitting of the dialing signal occurs in accordance with a Bluetooth standard ([0029] to [0036] and [0045] to [0052]).

Regarding claims 19 and 31, Lunsford et al. disclose all the limitations in claims 17 and 28 respectively. Further, Lunsford et al. disclose the method wherein the wireless connection is an infrared (IR) connection ([0029] to [0036] and [0045] to [0052]).

Regarding claims 21 and 50, Lunsford et al. disclose all the limitations in claims 1 and 44 respectively. Further, Lunsford et al. disclose the method wherein the mobile communication device is a personal digital assistant (PDA) configured for wireless communication ([0026] to [0030]).

Regarding claims 22 and 51, Lunsford et al. disclose all the limitations in claims 1 and 44 respectively. Further, Lunsford et al. disclose the method wherein the mobile communication device is a wireless phone ([0026] to [0030]).

Regarding claim 23, Lunsford et al. disclose a method of remotely accessing a network-based communication service comprising: receiving a dialing signal from the remote control device at a mobile communication device ([0026], [0057] to [0059] and [0064] to [0067]), the dialing signal being based on user input to the remote control device ([0026], [0057] to [0059] and [0064] to [0067]); and accessing the network-based communication service in response to the dialing signal ([0057] to [0059] and [0064] to [0067]). It is inherent that the PID 12 instructs the telephone 14 *accesses to the network* in order to make a connection between the telephone 14 with the predetermined telephone number that the user of PID 12 has been selected).

Regarding claim 33, Lunsford et al. disclose a method of accessing a network-based communication service comprising: verifying authorization to write to a memory of a remote control device ([0059] and [0064] to [0067]); storing a telephone number to the memory of the

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remote control device, the telephone number being associated with the network-based communication service ([0026], [0057] to [0059] and [0064] to [0067]); generating a dialing request based on user input to the remote control device, the dialing request being initiated by a user manipulation of an access button that is dedicated to network-based communication services ([0026], [0057] to [0059] and [0064] to [0067]); transmitting a dialing signal from the remote control device toward a mobile communication device based on the dialing request, the dialing signal including the telephone number and instructing the mobile communication device to access the network-based communication service ([0026], [0057] to [0059] and [0064] to [0067]); receiving the dialing signal at the mobile communication device ([0026], [0057] to [0059] and [0064] to [0067]); and using the telephone number to remotely access the network-based communication service ([0057] to [0059] and [0064] to [0067]). It is inherent that the PID 12 instructs the telephone 14 *accesses to the network* in order to make a connection between the telephone 14 with the predetermined telephone number that the user of PID 12 has been selected).

Regarding claim 36, Lunsford et al. disclose a remote control device comprising: a user interface ([0026] to [0035], [0045] to [0052], [0057] to [0059] and [0064] to [0067]); and a remote communication module coupled to the user interface, the remote communication module to transmit a dialing signal toward a mobile communication device based on a dialing request from the user interface, the dialing signal to instruct the mobile communication device to access a network-based communication service ([0026] to [0035], [0045] to [0052], [0057] to [0059] and [0064] to [0067]). It is inherent that the PID 12 instructs the telephone 14 *accesses to the*

network in order to a connection between the telephone 14 with the predetermined telephone number that the user of PID 12 has been selected).

Regarding claim 37, Lunsford et al. disclose all the limitations in claim 36. Further, Lunsford et al. disclose the remote control device wherein the user interface includes an access button that is dedicated to network-based communication services, user manipulation of the button to initiate the dialing request ([0045] to [0050] and [0057] to [0059]).

Regarding claim 38, Lunsford et al. disclose all the limitations in claim 36. Further, Lunsford et al. disclose the remote control device wherein the user interface has no buttons other than the access button ([0045] to [0050] and [0057] to [0059]).

Regarding claim 44, Lunsford et al. disclose a mobile communication device comprising: a phone communication module, the phone communication module to receive, from the remote control device, a dialing signal that is based on user input to a remote control device ([0026] to [0036] and [0056] to [0062]); and a wireless transceiver coupled to the phone communication module, the wireless transceiver to access a network-based communication service in response to the dialing signal ([0026] to [0036] and [0056] to [0062]).

Regarding claim 46, Lunsford et al. disclose all the limitations in claim 44. Further, Lunsford et al. disclose the mobile communication device further including a memory to store a telephone number associated with the network-based communication service, the wireless transceiver to use the telephone number to access the network-based communication service in response to the dialing signal ([0056] to [0059] and [0064] to [0067]).

Regarding claim 52, Lunsford et al. disclose a machine readable medium comprising a set of stored instructions capable of being executed by a processor to: generate a dialing request at a remote control device based on user input ([0056] to [0059] and [0064] to [0067]); and transmit a dialing signal from the remote control device toward a mobile communication device based on the request, the dialing signal to instruct the mobile communication device to access a network-based communication service ([0056] to [0059] and [0064] to [0067]). Inherently, the system includes the necessary software, hardware, firmware or a combination thereof to accomplish the stated task or functionality).

Regarding claim 54, Lunsford et al. disclose machine readable medium comprising a set of stored instructions capable of being executed by a processor to: receive a dialing signal from the remote control device at a mobile communication device, the dialing signal being based on a dialing request from a user interface of the remote control device ([0056] to [0059] and [0064] to [0067]); and access the network-based communication service in response to the dialing signal ([0056] to [0059] and [0064] to [0067]). Inherently, the system includes the necessary software, hardware, firmware or a combination thereof to accomplish the stated task or functionality).

Regarding claim 56, Lunsford et al. disclose a method of providing a network-based communication service comprising: receiving a call from a mobile communication device, the call being initiated by user input to a remote control device, the remote control device generating a dialing request to the mobile communication device ([0057] to [0059] and [0064] to [0067]). It is inherent that the PID 12 instructs the telephone 14 *accesses to the network* in order to a connection between the telephone 14 with the predetermined telephone number that the user of PID 12 has been selected); and generating the network-based communication service during the

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call ([0057] to [0059] and [0064] to [0067]). It is inherent that the PID 12 instructs the telephone 14 *accesses to the network* in order to make a connection between the telephone 14 with the predetermined telephone number that the user of PID 12 has been selected).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 3-5, 25-27, 35, 39-41, 47-49 and 58-61 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lunsford et al. (Pub. No: 2002/0065041) in view of Myers (Pub. No: 2004/0254816).

Regarding claims 3, 25, 39, 47 and 58, Lunsford et al. disclose all the limitations in claims 1, 23, 36, 44 and 56 respectively. However, Lunsford et al. do not disclose the method wherein the network-based communication service is a voice information service, the voice information service enabling a user to use information retrieval at a network server.

In the same field of endeavor, Myers discloses the method wherein the network-based communication service is a voice information service, the voice information service enabling a user to use information retrieval at a network server ([0113]).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the personal information device of Lunsford et al. by specifically

including the network-based communication service is a voice information service, the voice information service enabling a user to use information retrieval at a network server, as taught by Myers, the motivation being in order to report information substantially contemporaneous with services rendered by a service provider

Regarding claims 4, 26, 40, 48 and 59, Lunsford et al. disclose all the limitations in claim 1, 23, 36, 44 and 56 respectively. However, Lunsford et al. do not disclose the method wherein the network-based communication service is a voice dialing service, the voice dialing service enabling a user to use number dialing at a network server ([0114]).

In the same field of endeavor, Myers discloses the method wherein the network-based communication service is a voice dialing service, the voice dialing service enabling a user to use number dialing at a network server ([0114]).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the personal information device of Lunsford et al. by specifically including the network-based communication service is a voice dialing service, the voice dialing service enabling a user to use number dialing at a network server, as taught by Myers, the motivation being in order to report information substantially contemporaneous with services rendered by a service provider.

Regarding claims 5, 27, 35, 41, 49, 60 and 61, Lunsford et al. disclose all the limitations in claims 1, 23, 33, 36, 44 and 56 respectively. However, Lunsford et al. do not disclose the method wherein the network-based communication service is an automated communication service that does not require voice commands ([0114]).

In the same field of endeavor, Myers discloses the method wherein the network-based communication service is an automated communication service that does not require voice commands ([0114]).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the personal information device of Lunsford et al. by specifically including the network-based communication service is an automated communication service that does not require voice commands ([0114]), as taught by Myers, the motivation being in order to report information substantially contemporaneous with services rendered by a service provider.

6. Claims 6-7 and 62-63 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lunsford et al. (Pub. No: 2002/0065041) in view of Myers (Pub. No: 2004/0254816) and further in view of Cheung (Pub. No: 2004/0024647).

Regarding claims 6 and 62, the combination of Lunsford et al. and Myers disclose all the limitation in claims 5 and 56 respectively. However, the combination of Lunsford et al. and Myers do not disclose the method wherein accessing the automated communication service results in an automatic playing of a prerecorded message.

In the same field of endeavor, Cheung discloses the method wherein accessing the automated communication service results in an automatic playing of a prerecorded message ([0044]).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the personal information device of the combination of Lunsford et al. and Myers by specifically including accessing the automated communication service results

in an automatic playing of a prerecorded message, as taught by Cheung, the motivation being in order to notify a customer of the occurrence of an event.

Regarding claims 7 and 63, the combination of Lunsford et al. and Myers disclose all the limitation in claims 5 and 56 respectively. However, the combination of Lunsford et al. and Myers do not disclose the method wherein accessing the automated communication service results in an automatic registering of a vote.

In the same field of endeavor, Cheung discloses the method wherein accessing the automated communication service results in an automatic registering of a vote ([0044]).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the personal information device of the combination of Lunsford et al. and Myers by specifically including accessing the automated communication service results in an automatic registering of a vote, as taught by Cheung, the motivation being in order to notify a customer of the occurrence of an event.

7. Claims 15, 20 and 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lunsford et al. (Pub. No: 2002/0065041) in view of Kumar et al. (Pub. No: 2003/0081758).

Regarding claim 15, Lunsford et al. disclose all the limitations in claim 9. However, Lunsford et al. do not disclose the method further including verifying authorization to write to the memory before storing the telephone number.

In the same field of endeavor, Kumar et al. disclose the method further including verifying authorization to write to the memory before storing the telephone number ([0059] to [0060]).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the personal information device of Lunsford et al. by specifically including verifying authorization to write to the memory before storing the telephone number, as taught by Kumar et al., the motivation being in order to enable personal digital assistant to quickly and accurately transmit stored telephone numbers directly to other communication device containing a dialing device.

Regarding claims 20 and 32, Lunsford et al. disclose all the limitations in claims 1 and 29 respectively. However, Lunsford et al. do not disclose the method wherein the transmitting of the dialing signal occurs over a wired connection with the mobile communication device.

In the same field of endeavor, Kumar et al. disclose the method wherein the transmitting of the dialing signal occurs over a wired connection with the mobile communication device ([0021] to [0022]).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the personal information device of Lunsford et al. by specifically including the transmitting of the dialing signal occurs over a wired connection with the mobile communication device, as taught by Kumar et al., the motivation being in order to enable personal digital assistant to quickly and accurately transmit stored telephone numbers directly to other communication device containing a dialing device.

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Suzuki et al. (Pub. No: 20030143979) URL providing

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Suzuki (Pub. No: 20010027098) information processing and telephone set

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dai A Phuong whose telephone number is 703-605-4373. The examiner can normally be reached on Monday to Friday, 9:00 A.M. to 5:00 P.M..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Urban can be reached on 703-305-4385. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Dai Phuong
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